

REMARKS

Entry of this amendment is again requested. No new issues are raised by the changes to the specification set forth above.

The allowance of claims 17, 21-23, and 25-27 is noted with appreciation.

Reconsideration of the rejection of claim 15 under 35 U.S.C. § 112, second paragraph, is requested. Lines 19-27 in claim 15 define the manners in which release of an actuator-to-actuation element drive connection and transmission of forces or torques between drive and driven elements occur in the claimed gear selection device. While lines 19-27 in claim 15 do specify operations of certain elements of the claimed gear selection device, claim 15 does not define the use of, or a process for using, that gear selection device, and is not a "use" claim as discussed in MPEP 2173.05(q). It is respectfully submitted that the rejection of claim 15 under 35 U.S.C. § 112, second paragraph, should be withdrawn. The corresponding rejection of claims 16, 18-20, 24, and 28, which depend on claim 15, should be withdrawn as well.

Independent claim 15 is rejected under 35 U.S.C. § 102(b), along with claims 16, 18-20, 24, and 28, as anticipated by U.S. Patent 5,094,115 to Michihira et al. Reconsideration is requested.

On page 3 of the Office Action, the Examiner characterizes various recitations in claim 15 as "functional," and proceeds to simply disregard those recitations. The force or torque limiting operation and the force or torque exertion operation identified by the Examiner at the top of page 3 of the Office Action, however, concern cooperation of the positively recited drive and driven elements, and the limitations in claim 15 directed to this cooperation cannot

simply be ignored. Similarly, the drive connection release operation and the force or torque transmission operation identified by the Examiner at the bottom of page 3 of the Office Action concern cooperation of the positively recited actuator and actuation element and cooperation of the actuator and the positively recited drive and driven elements. Again, the limitations in claim 15 directed to such cooperation cannot simply be ignored.

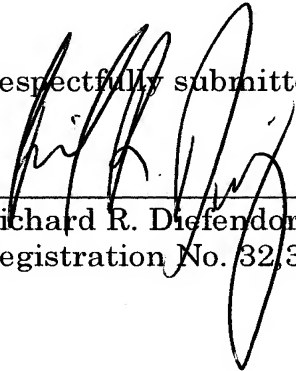
For reasons discussed above, it is respectfully submitted that the Examiner's disregard of the claim limitations identified on page 3 of the Office Action is not permissible, that claim 15, as it presently appears in the application, is not in fact anticipated by the Michihira et al. patent relied on, and that the rejection of claim 15 should be withdrawn. The rejection of claims 16, 18-20, 24, and 28, which depend of claim 15, should be withdrawn as well.

This application should be in allowable form in its present condition. If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an extension of time sufficient to effect a timely response. Please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #095309.55997US).

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Respectfully submitted,



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